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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/925,703 09/09/97 ALLEN

D MICL: 024 (97-

EXAMINER

TM02/0104

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HOUSTON, TX 77024

DETE G

ART UNIT

PAPER NUMBER

2151

DATE MAILED:

01/04/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	08/925,703		Duane Le Allen	
	Examiner		Art Unit	
	George L. Opie		2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11/08/00.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 34-51 is/are pending in the application.
- 4a) Of the above claim(s) ☐ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ☐ is/are allowed.
- 6) ☒ Claim(s) 34-51 is/are rejected.
- 7) ☐ Claim(s) ☐ is/are objected to.
- 8) ☐ Claim(s) ☐ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

- |   |  |
|---|--|
| 14) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 19) <input checked="" type="checkbox"/> Other: Text Doc for USP5,748,980     |

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## DETAILED ACTION

## 1. Request for copy of Applicant's response on floppy disk:

Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk.

Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory, however, it will help expedite the processing of your application. Your cooperation is appreciated.

2. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*. Consistent with Office procedure, the U.S. Patents corresponding to the *text documents* are also included with this action.

## 3. Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 34-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Admitted Prior Art – background of the instant Application (APA) in view of Lipe et al. (U.S. Patent 5,748,980).

As to claim 34, the APA p4 l8-17) teaches a method comprising: providing an operating system package (OS) that includes a first configuration file (includes a configuration file) the first configuration file including information used by the operating system package to install first drivers (drivers) for a first set of devices (devices ... associated with the computer) on a computer. The APA does not explicitly disclose the additional limitations detailed below. Lipe teaches providing a second configuration file external to the operating system package (configuration manager 158, p24 55 – p25 13) the second

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configuration file including information to direct the installation of a second driver for a second device (install devices 20, Id.) installing the second driver on the computer (drivers for the devices are loaded, p4 52 – p5 8) based on the information in the second configuration file (works in conjunction with the configuration manager to install devices, p24 55 – p25 13) and installing the operating system package on the computer (loading the operating system, p20 20-29) based on the information in the second configuration file (configuration process ... steps 66 and 68, Id.). It would have been obvious to combine Lipe's teachings with the APA because the configuration manager enables optimal automation in the set up of system hardware and software.

As to claim 35, the APA (background p3 l14 – p4 l2) teaches executing a setup program (software) of the operating system package (OS) to install the second driver (installs whatever drivers the device needs).

As to claim 36, Lipe teaches "[t]he present invention enables a user of a computer to install a new device", p4 21-30 which corresponds to the second device is not included in the first set of devices.

As to claim 37, Lipe teaches "customization of computer operations ... handling of application programs", p20 20-29, and from this, one skilled in the art would have provided for installing applications after the second driver and the operating system are installed.

As to claim 38, "Official Notice" is taken that determining one procedure from a plurality of options is well known in the art. (MPEP 2144.03).

As to claims 39-40, Lipe (p18 12-26) teaches the second device (one of the devices 20) is identified dynamically (detected ... automatically). From Lipe's aforementioned teachings, one skilled in the art would have provided the dynamic identification to be one of automated and user-driven.

As to claim 41, "Official Notice" is taken that an ISA, PCI, SCSI, and an IDE device are component standards which are well known in the art. (MPEP 2144.03).

As to claim 42, "Official Notice" is taken that a display device, a sound device, a modem, and a controller are components that need respective drivers for the system to function properly is well known in the art (MPEP 2144.03).

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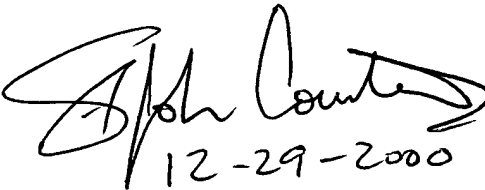
As to claim 43, "Official Notice" is taken that the patching of errors in a first configuration file with information in a second configuration file is well known in the art (MPEP 2144.03).

As to claims 44-50, note the rejections of claims 34, 37-39, and 41-43 respectively. Claims 44-50 are the same as claims 34, 37-39, and 41-43, except claims 44-50 are computer program product claims and claims 34, 37-39, and 41-43 are method claims.

As to claim 51, the APA teaches that the device drivers are typically installed during the OS installation, background p4 ln 15-17. Accordingly, it would have been obvious to install the driver for the second device and the operating system package contemporaneously.

5. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Each reference disclosed below is relevant to one or more of the Applicant's claimed invention.  
U.S. Patent No. 6,094,531 to Allison et al. which teaches an installer using script files for OS upgrades.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (703) 308-9120 or via e-mail at [George.Opie@uspto.gov](mailto:George.Opie@uspto.gov). Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.

  
12-29-2000